

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3352 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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HAJIBEGUM ABDULIA URAIZEE

Versus

STATE OF GUJARAT

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Appearance:

MR DM THAKKAR for Petitioner  
MR SP HASURKAR for Respondent Nos.1 & 2  
MR SM MAJGAONKAR for Respondent No. 3  
None present for Respondent No. 4

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/10/1999

ORAL JUDGEMENT

1. Mr.S.M.Majgaonkar, learned counsel for the respondent no.3 is not opposing this Special Civil Application, in fact, he is supporting this petition. So far as learned counsel for the respondent nos. 1 and 2 is concerned, he submits that, firstly the papers are not

with him and secondly, reply to the Special Civil Application is also not there on the record of the Special Civil Application.

2. Learned counsel for the petitioner contended that, once the petitioner was directed by the University to continue to work till the end of session, she is entitled for the salary for the period she worked. The respondent nos. 1 to 4 has committed serious illegality in not allowing her to draw the salary for the period she worked.

3. Learned counsel for the respondent nos. 1 and 2 on the other hand contended that, after the retirement the petitioner is not entitled to get any salary even she worked on the post. Under the order of the University, she will not become entitle to get the salary for the period beyond her date of retirement.

4. Learned counsel for the respondent nos. 1 and 2 however does not dispute the circular of the Government which laid down in case the retirement of a teacher falls due during the academic, the teacher will have to continue in service till the academic term is completed.

5. Having heard the learned counsel for the parties, I am satisfied that this petition deserves to be allowed. In this case, the petitioner has admittedly worked for the period in question. Otherwise also, she is entitled for the salary on the principle of pay for work. The respondents have not filed any reply to justify their this action. The claim of the petitioner for salary deserves to be allowed as it covers under the Government's own resolution.

6. In the result, this Special Civil Application succeeds and the same is allowed. The respondent nos. 1, 2 and 4 are directed to pay to the petitioner, salary for the period of 1.12.1986 to 14.6.1987. This court by interim order dated 31.8.1988 directed the respondents to pay the salary to the petitioner for this period. Learned counsel for the respondents submits that, in view of the court's order, the petitioner has already received the salary. The learned counsel for the petitioner does not dispute this factual position. Now, nothing requires to be done in this case. Rule is made absolute in the terms aforesaid. It is the case where unnecessary retired teacher has been harassed by the respondent nos.1, 2 and 4 to the extent where for this just relief she has to come before this court. The respondent No.1 is directed to pay Rs.2000/- as costs of this petition to

the petitioner.

(S.K.Keshote,J.)

(pathan)